

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:
Russell S. Crawford,
Lisa R. Crawford,

BKY 04-40720

Debtors.

Chapter 13

**NOTICE OF HEARING AND
MOTION TO WITHDRAW**

To: Russell & Linda Crawford, Jasmine Z. Keller, Chapter 13 Trustee & Other Parties
in Interest.

1. The Court will hold a hearing on this motion on Wednesday, October 6, 2004 at 10:30 a.m. or as soon thereafter as counsel may be heard, in Courtroom No. 7 West, United States Courthouse, 300 S. Fourth Street, Minneapolis, MN before the Honorable Nancy S. Dreher.
2. Any response to this motion must be served and filed with the Court not later than September 22, 2004, which is ten (10) days before the date of the hearing, if by mail, or by September 27, 2004 which is seven (7) days before the date of the hearing (excluding Saturdays, Sundays and legal holidays). UNLESS A RESPONSE IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
3. The Court has jurisdiction over this motion pursuant to 28 U.S.C. Sections 157 and 1334, Bankruptcy Rule 5005, and Local Rule 9001 et al. This is a core proceeding. The petition commencing this Chapter 13 case was filed February 13, 2004 and is now pending in this Court.
4. This motion arises under Local Rule 9010-3(e)(2). Movant requests permission to withdraw as counsel of record for reasons stated in the attached affidavit.

WHEREFORE, Debtors' counsel, the Law Offices of Curtis Walker, requests the Court to allow them to withdraw as Debtors' counsel, and to grant such other and further relief as the Court deems just and equitable.

Dated: September 14, 2004

By: THE LAW OFFICES OF CURTIS WALKER

_____/e/_____
Curtis K. Walker #113906
Thayer A.K. Butler # 200815
Mary C. Hoben #0335411
4356 Nicollet Avenue South
Minneapolis, MN 55409

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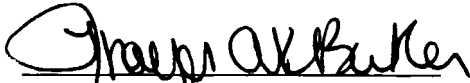
AFFIDAVIT OF CURTIS K. WALKER

Curtis K. Walker, being first duly sworn on oath, deposes and says:

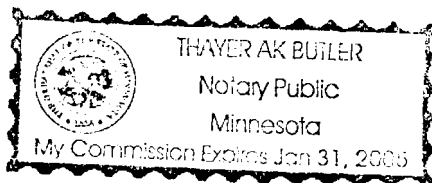
1. That he is the attorney for the Debtors, and has personal knowledge of the facts of this matter.
2. That the Crawfords filed a Chapter bankruptcy on February 13, 2004.
3. That a conflict has arisen between the Crawfords and a relative, who is another client of mine.
4. That I am unable to continue to represent the Debtors and ask permission to withdraw.

Dated: 9-10-04


Curtis K. Walker



Subscribed to and sworn to before me this 10th
day of Sept, 2004.



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MEMORANDUM OF LAW

FACTS

Debtors Russell and Lisa Crawford filed this Chapter 13 case on February 13, 2004. In late August, 2004, the attorneys for the Crawfords became aware of a conflict of interest between the Debtors and a relative. This relative is also a client of the law firm. The attorneys for Debtors are unable to continue to represent either of these clients pursuant to the Minnesota Rules of Professional Conduct.

ARGUMENT

Local Rule 9010-3(e) provides that an attorney for a Debtor in a Chapter 7 or 13 case who wishes to withdraw must do so by motion. Rule 1.7 of the Rules of Professional Conduct does not allow an attorney to represent a client when that representation will be directly adverse to another client. The Rules impose an obligation for an attorney to terminate representation when the conflict arises after the lawyer has undertaken representation of the client (Rule 1.16(a)(1)).

Dated: September 14, 2004 By: THE LAW OFFICES OF CURTIS WALKER

_____/e/_____
Curtis K. Walker #113906
Thayer A.K. Butler #200815
Mary C. Hoben, #0335411
4356 Nicollet AV S
Minneapolis, MN 55409
(612) 824-4357

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ORDER

This matter came before the Court, the Honorable Nancy C. Dreher, on the motion of Debtors' counsel to withdraw as attorney of record. All appearances were noted on the record. Based on all the files and pleadings before the Court, this Court makes the following ORDER:

- 1.) The motion of the Law Offices of Curtis Walker to withdraw as attorney of record is granted.
- 2.) All further notices in this matter shall be served directly on the Debtors.

IT IS SO ORDERED.

Dated: _____

Judge, US Bankruptcy Court

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UNBSWORN DECLARATION FOR PROOF OF SERVICE

I, Thayer A.K. Butler, declare under penalty of perjury that on September 14, 2004, I mailed copies of the foregoing Motion to Withdraw by first class mail, postage prepaid, to each entity named below at the address stated for each entity:

U.S. Trustee
1015 US Courthouse
300 S. Fourth ST
Minneapolis, MN 55415

Jasmine Z. Keller, Chapter 13 Trustee
12 South 6th Street, Suite 310
Minneapolis, MN 55402

Russell & Lisa Crawford, Debtors
28874 Flamingo ST NW
Isanti, MN 55040

Executed on:

9-14-04

